

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
WALTER W. DUFT
LAW OFFICES OF WALTER W. DUFT
8616 MAIN STREET, SUITE 2
WILLIAMSVILLE, NY 14221

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 2199-7PCT	Date of mailing (day/month/year) FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US04/21371	International filing date (day/month/year) 02 July 2004 (02.07.2004)
Applicant GUARDIT TECHNOLOGIES, LLC	

1. ☒ The applicant is hereby notified that an international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments under Article 19:

The applicant is notified that, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Thomas J. Mullen, Jr. Telephone No. 571-272-2600
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
WALTER W. DUFT
LAW OFFICES OF WALTER W. DUFT
8616 MAIN STREET, SUITE 2
WILLIAMSVILLE, NY 14221

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 2199-7PCT	Date of mailing (day/month/year) 12 JAN 2005
International application No. PCT/US04/21371	International filing date (day/month/year) 02 July 2004 (02.07.2004)
Applicant GUARDIT TECHNOLOGIES, LLC	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Thomas J. Mullen, Jr. <i>Rugenia Logan</i> Telephone No. 571-272-2600
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 2199-7PCT	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US04/21371	International filing date (<i>day/month/year</i>) 02 July 2004 (02.07.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 03 July 2003 (03.07.2003)
Applicant GUARDIT TECHNOLOGIES, LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 30

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☒ as selected by this Authority, because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/21371

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

NEW ABSTRACT

A portable security alarm system (10) including a movement detecting and signal transmitting member (20) for mounting on or proximate to an object (24,25); a signal receiving and alarm generating member (30) for receiving a signal from member (20); a remote control (40) for actuating and deactuating the member (30); an environmental monitoring member (602) for sensing an environmental condition; a visual information gathering member (90) for gathering visual information; an audio output member (600) for generating an audio output; components (92,94,96) for delivering a security notification over a security network (260) to remote recipients; and, an inertial sensor (400A,400B,1100) for activating or deactivating a device.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/21371

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G08B 13/08

US CL : 340/546.545.4.545.5.566.539.1.692.522.524.693.5; 310/311; 348/155

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 340/546.545.4.545.5.566.539.1.692.522.524.693.5; 310/311; 348/155

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	US 4,337,462 A (LEMELSON) 29 June 1982, see the Abstract, Figs. 1-3 and col. 2, line 16 to col. 3, line 65.	1,14,67 ----- 4
X --- Y	US 5,317,305 A (CAMPMAN) 31 May 1994, see the Abstract, Figs. 6B and 12, and col. 7, line 46 to col. 9, line 2.	55,57-59,66 ----- 4
X --- Y	US 5,811,910 A (CAMERON et al) 22 September 1998, see the Abstract, Figs. 1-4B, and col. 2, line 1 to col. 3, line 26.	55-56,65 ----- 4
X	US 4,189,655 A (BRUEL) 19 February 1980, see the Abstract, Figs. 2-3 and col. 2, line 26 to col. 4, line 23.	55-56
X	US 4,742,336 A (HALL et al) 03 May 1988, see the Abstract, Figs. 1-2, col. 4, line 52 to col. 6, line 19, and col. 9, lines 9-30.	11-13,54
X	US 5,200,735 A (HINES) 06 April 1993, see the Abstract, Figs. 1-7 and 11, and col. 3, line 12 to col. 8, line 20.	21-22

☒ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

04 December 2004 (04.12.2004)

Date of mailing of the international search report

12 JAN 2005

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Thomas J. Mullen, Jr.

Telephone No. 571-272-2600

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/21371

C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,001,461 A (VROOM et al) 19 March 1991, see the Abstract, Figs. 4-5, and col. 2, line 28 to col. 3, line 41.	36
X	US 2002/0113704 A1 (HESS) 22 August 2002, see the Abstract, Figs. 1, 4 and 5, and paragraphs 0020 and 0038.	36
X	US 5,963,131 A (D'ANGELO et al) 05 October 1999, see the Abstract, Figs. 1, 3 and 4, col. 5, line 6 to col. 6, line 36, col. 7, line 65 to col. 8, line 37, and col. 10, lines 8-24.	36
X	US 4,167,733 A (KRAUSE et al) 11 September 1979, see the Abstract and Figs. 3, 4 and 7.	36
X	US 5,587,701 A (HESS) 24 December 1996, see Figs. 1 and 4, and col. 2, line 56 to col. 3, line 61.	38
X	US 6,052,052 A (DELMONACO) 18 April 2000, see the Abstract, Figs. 1-2b, col. 2, line 42, and col. 3, line 65 to col. 5, line 35.	38

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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8616 MAIN STREET, SUITE 2
WILLIAMSVILLE, NY 14221

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 2199-7PCT		Date of mailing (day/month/year) 12 JAN 2005
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/US04/21371	International filing date (day/month/year) 02 July 2004 (02.07.2004)	Priority date (day/month/year) 03 July 2003 (03.07.2003)
International Patent Classification (IPC) or both national classification and IPC IPC(7): G08B 13/08 and US Cl.: 340/546,545.4,545.5,566,539.1,692,522,524,693.5; 310/311; 348/155		
Applicant GUARDIT TECHNOLOGIES, LLC		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

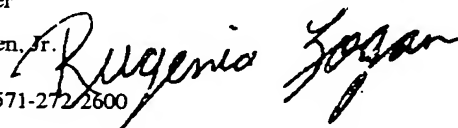
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Thomas J. Mullen, Jr.  Telephone No. 571-272-2600
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/21371

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/21371

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2-10,15-20,23-35,37,39-53 and 60-64</u>	YES
	Claims <u>1,11-14,21,22,36,38,54-59 and 65-67</u>	NO
Inventive step (IS)	Claims <u>2,3,5-10,15-20,23-35,37,39-53 and 60-64</u>	YES
	Claims <u>1,4,11-14,21,22,36,38,54-59 and 65-67</u>	NO
Industrial applicability (IA)	Claims <u>1-67</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

Claims 55, 57-59 and 66 lack novelty under PCT Article 33(2) as being anticipated by Campman (US 5317305). Note in Campman (Fig. 12, the Abstract, and col. 7, line 46 to col. 9, line 2), piezoelectric element 74; "flexible" diaphragm 70,76 (col. 8, lines 42-43 and 50-51); and mass 72. As to claim 57, as shown in Fig. 12 Campman teaches a "cantilever" arrangement for the sensor, mass 72 is (inherently) secured to diaphragm 70 by a "coupling connection", and the mass or coupling connection induces a "desired strain" in the piezoelectric element 74 through the cantilever coupling (76); also, Campman teaches that the sensor will "sense motion in all planes of movement" (col. 7, lines 52-54 and col. 8, lines 12-14), inherently including a "principal plane" of diaphragm 70. As to claims 58-59, in the configuration shown in Fig. 12 the mass 72 of Campman is inherently "unstable" (due at least in part to the cantilever arrangement) and "unbalanced" (i.e. not centered with respect to the overall sensor). As to claim 66, the sensor is associated with a device (sound transducer 132--see e.g. Fig. 6B) that is "activated or deactivated" thereby.

Claims 55-56 lack novelty under PCT Article 33(2) as being anticipated by either Cameron (US 5811910) or Bruel (US 4189655). Note in Cameron, piezoelectric element 25; "flexible" diaphragm 20 (col. 2, line 5); and mass 40. Note in Bruel (Fig. 2), piezoelectric element 6; "flexible" diaphragm 5 (col. 3, lines 59-61); and mass 11. As to claim 56, it is inherent in either reference that the mass is secured to one of the other elements by some type of "coupling connection", such that a "desired strain" is induced in the piezoelectric element (through flexing of the diaphragm) in response to orthogonal acceleration (see e.g. Figs. 4A-B in Cameron; in Bruel, it appears to be the specific intent to sense "orthogonal" accelerations, as opposed to e.g. a "rocking motion"--col. 3, lines 1-3).

Claim 65 lacks novelty under PCT Article 33(2) as being anticipated by Cameron (US 5811910). Note further in Cameron, "pedestal" 30 (Fig. 3) with circular opening 31 over which diaphragm 20 is positioned (see col. 3, lines 4-9). Thus, pedestal 30 is a "support ring housing" (opening 31 forming a "support ring") to which diaphragm 20 is mounted and facilitates free flexing thereof.

✓ Claim 4 lacks an inventive step under PCT Article 33(3) as being obvious over Lemelson (US 4337462) in view of either Campman (US 5317305) or Cameron (US 5811910). Lemelson was discussed above with respect to claim 1, Campman and Cameron were discussed above with respect to claim 55. The piezoelectric elements in each of Campman (74) and Cameron (25) are in the form of a piezoelectric "film". In view of either Campman or Cameron it would have been obvious to use a "piezo film" sensor as the accelerometer sensors 16-18, since those skilled in the art would have recognized the ready availability, low cost and required sensitivity of this type of sensor, as well as its applicability to the type of system disclosed by Lemelson.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/21371

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or content thereof: in Fig. 23, it appears that reference numeral 408 should be 404 (note the corresponding element in Fig. 24, and see pp. 32-33 of the specification).

The description is objected to as containing the following defect(s) under PCT Rule 66.2(a)(iii) in the form or contents thereof: page 28, line 21, it appears that "host 260" should be --host 261--; page 33, line 3, it appears that "module 408" should be --module 404-- (note the discussion of Figs. 23-24 above); page 33, lines 7-8, it appears that "board 408" (two occurrences) and "antenna 410" should be --board 410-- (both occurrences) and --antenna 412-- , respectively (see Fig. 23); page 38, line 12, it appears that "512" should be --510-- (see Fig. 27); page 40, line 7, it appears that "526" should be --556-- (see Fig. 29B); page 42, line 6, it appears that the semi-colon after "namely" should be a comma, or simply deleted; page 44, line 2, it is unclear what "mode" is being referred to; and page 58, line 14, it appears that "batter" should be --battery-- (see line 10).

Claims 1, 14, 36, 38, 40, 51, 56 and 67 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: on line 3 in each of claims 1, 14, 36, 38, 40, 51 and 67, "movement an" should be --movement of an--; and on line 1 of claim 56, after "55" should be inserted --wherein--.

Claim 16 is objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: on line 2, "said audio files" lacks antecedent basis (note the dependency of the claim).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/21371

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 5-6 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because of the claims are not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art because: claim 5 depends from claim 2, which recites that the movement detector comprises a "gyroscope sensor", whereas claim 5 recites that the movement detector comprises an "accelerometer sensor with a piezoelectric audio transducer construction..."; the specification and drawings do not appear to teach a "combined" movement detector, including both a gyroscope and a piezoelectric element.

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.